

REMARKS

Claims 1-22 are pending in this application.

The Office Action dated August 24, 2005, has been received and carefully reviewed. In that Office Action, it was indicated that claims 10-22 were allowed. Applicant thanks the examiner for this early indication of allowable subject matter. Claims 1, 3, 5, 8 and 9 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. 6,894,929 (the '929 patent) in view of WO 03/075359. Claims 2, 6 and 7 are objected to for being dependent upon a rejected base claim but are indicated to be allowable if amended to include the limitations of their base claims.

Submitted herewith is a terminal disclaimer. It is believed that the submission of this terminal disclaimer obviates all grounds of rejection presented in the August 24, 2004, Office Action. Wherefore, reconsideration and allowance of claims 1-9 and allowance of claims 10-22 is earnestly solicited.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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